

Application No.: 09/994,335  
Amendment Dated: January 10, 2005  
Reply to Office Action of: October 18, 2004

MTS-3288US

**Remarks/Arguments:**

The pending claims are 1-16. Claims 6-8 have been withdrawn from consideration pending allowance of a generic claim. As stated on page 2 of the June 9, 2004 Office communication, claim 1 is a generic claim. Claims 9, 10, 13, and 14 have been amended. No new matter is introduced therein.

The abstract has been objected to. Since an amended abstract is included with this amendment, Applicants request that this objection be withdrawn.

Claims 9 and 10 have been rejected under 35 U.S.C. § 112, second paragraph. Since these claims have been amended, Applicants request that this rejection be withdrawn.

Claims 13 and 14 have been rejected under 35 U.S.C. § 101. Since these claims have been amended, Applicants request that this rejection be withdrawn.

Claims 1-5 and 9-16 have been rejected under 35 U.S.C. § 102(b) as anticipated by Kim (U.S. Patent No. 5,828,637). The rejection is traversed.

Claim 1 recites, in part:

calculating means of calculating a lens shift LS indicating the amount of shift of said lens means relative to said optical head, according to a predetermined rule on the basis of said generated tracking error signal and said detected disk tilt DT.

Accordingly, claim 1 recites, in part, that lens shift is calculated based on the generated tracking error signal and the detected disk tilt.

The Office Action contends that these features are disclosed at col. 13, line 63 to col. 14, line 56, along with Figure 7 of Kim. More specifically, page 6 of the Office Action refers to "delta R" that is discussed in this section of Kim. Applicants respectfully disagree.

In Kim, delta R is the radial shift signal indicating a deviated degree of objective lens from the center of disk. (Col. 7, lines 56-57). The Office Action

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appears to contend that delta R is the equivalent of the lens shift LS recited in claim 1. Also, based upon the Office Action's citation to columns 13 and 14 of Kim, it appears that the Office Action considers Kim's detracking signal delta T is to be the equivalent of the generated tracking error signal in claim 1. Consequently, the Office Action contends that the cited portions of Kim anticipates the above-recited portion of claim 1. Applicants disagree for the following reasons.

Kim states the following:

[T]he radial shift signal  $\Delta R$  of the objective lens OL, . . . is not affected by the detracking and the tilt of the disk, 201, is also detected. (col. 14, lines 30-32).

This means that, in Kim, the shift of its lens is not based on a tracking signal or upon disk tilt. Accordingly, the operation of the Kim device is opposite to the operation of the calculating means recited in claim 1. Specifically, claim 1 recites that the calculating means calculates lens shift "on the basis of said generated tracking error signal and said detected disk tilt." In contrast, Kim states that its lens shift is not affected by a detracking signal and by disk tilt. This is further confirmed by another statement in Kim which states that  $\Delta R$  is "free from the influence of the tilt of disk." (col. 8, lines 39-40).

Since claim 1 recites a dependence on tracking error and disk tilt, and since Kim does not depend on such factors, claim 1 is not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Kim. Since claims 2-5, 9-11, 13, 15 depend from claim 1, they are also not subject to the same rejection.

Claim 12 recites, in part, the step of calculating a lens shift "on the basis of said generated tracking error signal and said detected disk tilt." Claim 12 is not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Kim for the same reasons that claim 1 is not subject to that rejection. Since claims 14 and 16 depend from claim 12, they are also not subject to the same rejection.

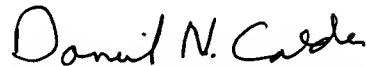
For all of the above reasons, Applicants respectfully solicit allowance of claims 1-5 and 9-16. In addition, since generic claim 1 is now allowable, Applicants request

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that claims 6-8 now be examined on the merits and that they be allowed since they depend from allowable claim 1.

Respectfully submitted,



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SW/fp

Attachment: Abstract

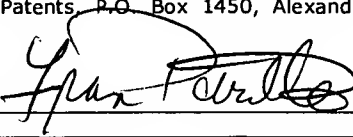
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